



## *The Village of Biscayne Park*

600 NE 114th St., Biscayne Park, FL 33161

Telephone: 305 899 8000 Facsimile: 305 891 7241

### **MINUTES**

#### **Regular Virtual Commission Meeting**

**Meeting ID: 95626578400**

**Tuesday, October 6, 2020 at 7:00 pm**

**1 Call to Order**

Mayor O'Halpin called the meeting to order at 7:00 p.m.

**2 Roll Call**

Mayor O'Halpin - present

Vice Mayor Kennedy - present

Commissioner Ross - present

Commissioner Samaria - present

Commissioner Tudor - present

Staff present:

Village Attorney Ed Dion / Valerie Vicente

Interim Village Manager / Village Clerk Roseann Prado

Chief of Police Luis Cabrera

Recordings: Cesar Hernandez

**3 Pledge of Allegiance**

**4 Additions, Deletions or Withdrawals to the Agenda**

- Commissioner Ross requested to move Item 10.b to Consent Agenda 8.i - Resolution 2020-57 - appointment of Biscayne Park Foundation member.

- Commissioner Ross also requested to move Items 11.b and 11.c after Public Comments

- Commissioner Ross also requested to discuss RFP Solid Waste.

- Commissioner Samaria requested to add an Item to Old Business to reverse his vote at Special Commission Meeting of October 23, 2020 - Item

- Vice-Mayor Kennedy requested to add New Business discussion about loan payoff.

- Vice-Mayor Kennedy asked Chief Cabrera to explain MOU process in general.

- Vice-Mayor asked ~~to~~ Village Attorney to give an update on Ordinance regarding

- Construction sites

- Vice-Mayor Kennedy requested to add a discuss about online calendar

- Vice-Mayor Kennedy requested to withdraw following minutes from Consent Agenda for revision: Minutes 09/08/2022 - 09/29/2020 - Code 09/22/2020

- 1 - First Budget Hearing September 28, 2020
- 2 - Special Commission Meeting September 29, 2020
- 3 - Code Compliance Board September 22, 2020

Commissioner Ross motioned to approve changes to the agenda. Commissioner Samaria seconded. **Motion passed 5 - 0.**

## 5 Presentations

### 5.a Volunteers Awards

### 5.b Sanctuary and Oasis Awards Fall 2020

## 6 Public Comments Related to Agenda / Good & Welfare

The following persons spoke on the records:

Linda Dillon  
 Bob Anderson  
 Chuck Ross  
 Art Gonzalez  
 Janey Anderson  
 Judi Hamelburg  
 David Raymond  
 Michael Lyndaker  
 Judi Hamelburg  
 Chuck Ross  
 Fred Jonas  
 Dan Keys

### 11.b FDOT - Calvin Giordano & Associates, Inc. Memorandum re Lane Repurposing for NE 6th Ave (NE 113th Street to NE 121th Street) - by Xavier Falconi, PE, Director, Traffic Engineering Department

Vice-Mayor Kennedy motioned to Calvin Giordano Inc. to amend cost of services to include (1) one workshop regarding FDOT project changes to Commission meeting of November 2020. Commissioner Ross seconded. **Motion passed 5 - 0.**

### 11.c Moved back to 11.c order.

## 7 Information / Updates

### RFP 2020-01 Solid Waste

Panel advised Commission to cancel RFP 2020-01 and start new process.

Mayor O'Halpin motioned to request the former panel to rewrite new RFP. Vice-

Mayor Kennedy seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - No

Commissioner Ross - No

Commissioner Samaria - No

Commissioner Tudor - No

**Motion failed 1 - 4** (Vice-Mayor Kennedy, Commissioner Ross, Commissioner Samaria and Commissioner Tudor opposed).

Commissioner Samaria motioned to cancel the bids placed to RFP 2020-01. Mayor O'Halpin seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - No

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 4 - 1** (Commissioner Ross opposed)

It was Commission **consensus** to direct Interim Village Manager to draft an extension of contract with Waste Pro for (6) six months with NO rate increase.

Commissioner Ross motioned for Commission discussion to hire a professional to draft a new RFP for Solid Waste. Vice-Mayor Kennedy seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - Yes

Commissioner Ross - Yes

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 5 - 0.**

## **8 Consent Agenda**

### **8.a Acceptance of Commission Minutes**

- \* First Budget Hearing FY 2020-2021 09/08/2020 - Removed for revision  
Special Commission Meeting 09/08/2020  
Second Budget Hearing FY 2020-2021 09/29/2020
- \* Special Commission Meeting 09/29/2020 Removed for revision

### **8.b Acceptance of Board Minutes**

- Code Compliance Board 06/27/2019 Revised Minutes
- Code Compliance Board 07/18/2019 Revised Minutes
- Code Compliance Board 07/09/2020
- Code Compliance Board 07/21/2020
- Code Compliance Board 08/18/2020
- \* Code Compliance Board 09/22/2020 Removed for revision

### **8.c Resolution 2020-50 - MOU Hold Harmless Agreement w Town of Medley - Firearms Training Center**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A LICENSE AND HOLD HARMLESS AGREEMENT FOR THE USE OF THEMEDLEY POLICE FIREARMS TRAINING CENTER; PROVIDING FOR AN EFFECTIVE DATE.

**8.d**

**Resolution 2020-51 - Recognizing City Government Week - by Commissioner Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RECOGNIZING OCOBER 19-25, 2020 AS "FLORIDA CITY GOVERNMENT WEEK" AND ENCOURAGING VILLAGE RESIDENTS TO SUPPORT THIS CELEBRATION AND CORRESPONDING ACTIVITIES.

**8.e Resolution 2020-52 - Ratifying NMFSS donation - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE DONATION OF \$2,500 FOR FISCAL YEAR 2020-2021 TO THE NORTH MIAMI FOUNDATION FOR SENIOR SERVICES, INC.; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.f Resolution 2020-53 - Suporting Broadband Access - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO RECOGNIZE AND WORK TO ACHIEVE BROADBAND ACCESS AND AFFORDABILITY; SUPPORTING INCLUSION OF BROADBAND INFRASTRUCTURE IN FEDERAL INFRASTRUCTURE INVESTMENTS; AND AFFIRMING SUPPORT FOR LOCAL CONTROL OF BROADBAND INFRASTRUCTURE SITING; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.g Resolution 2020-54 - Reauthorization of NFIP - by Commission Ross**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, URGING CONGRESS TO REAUTHORIZE THE NATIONAL FLOOD INSURANCE PROGRAM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**8.h Resolution 2020-55 - MOU - Miami Shores Police Department**



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MUTUAL AID AGREEMENT BETWEEN MIAMI SHORES VILLAGE AND THE VILLAGE OF BISCAYNE PARK; AND AUTHORIZING THE CHIEF OF POLICE TO EXECUTE THE JOINT DECLARATION; PROVIDING FOR AN EFFECTIVE DATE

**\* 10.b**

**Resolution 2020-57 - Selection of Board Member to Biscayne Park Foundation**





A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION AND APPOINTMENT OF THE MEMBER TO THE BISCAYNE PARK FOUNDATION; PROVIDING FOR AN EFFECTIVE DATE.

Commissioner Ross motioned to approve Consent Agenda with the exceptions and addition as indicated (\*). Commissioner Samaria seconded. **Motion passed 5 - 0.**

## 9 Ordinances

*None*

## 10 Resolutions

### 10.a Resolution 2020-56 - Selection of Board Member to Planning & Zoning Board



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RATIFYING THE SELECTION, APPOINTMENT AND TERM OF OFFICE OF A BOARD MEMBER TO THE PLANNING AND ZONING BOARD; PROVIDING FOR AN EFFECTIVE DATE

Commissioner Samaria motioned to approve Resolution 2020-56. Vice-Mayor Kennedy seconded. Commission voted to select new Planning & Zoning Board member as follows:

Mayor O'Halpin - Edward Leyva

Vice-Mayor Kennedy - Aleksandr Bernhard

Commissioner Ross - Aleksandr Bernhard

Commissioner Samaria - Edward Levya

Commissioner Tudor - Edward Levya

**Mr. Edward Levya** was selected as member to Planning & Zoning Board **3 - 2.**

### 10.c Resolution 2020-58 - Approving Rules of Procedure for Hybrid Meetings/Hearings



A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING RULES OF PROCEDURE FOR HYBRID MEETINGS OF THE VILLAGE COMMISSION AND VILLAGE BOARDS THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DUE TO THE CORONAVIRUS/COVID-19 PANDEMIC.

Commissioner Samaria motioned to approve Resolution 2020-58 with the following change: strike the word customary for quasi-judicial. Mayor O'Halpin seconded.

**Motion passed 5 - 0.**

## 11 Old Business

- 11.a** Commissioner Samaria motioned to revise his "yes" vote to hold a special commission meeting on October 23, 2020 to a "no" vote. Mayor O'Halpin seconded. Commission voted as follows:

Mayor O'Halpin - Yes

Vice-Mayor Kennedy - No

Commissioner Ross - No

Commissioner Samaria - Yes

Commissioner Tudor - Yes

**Motion passed 3 - 2** (Vice-Mayor Kennedy and Commissioner Ross opposed)

Commissioner Samaria motioned to schedule a workshop on October 23, 2020.

Mayor O'Halpin seconded. Commission voted as follows:

Mayor O'Halpin - No

Vice-Mayor Kennedy - No

Commissioner Ross - No

Commissioner Samaria - Yes

Commissioner Tudor - No

**Motion failed 1 - 4** (Mayor O'Halpin, Vice-Mayor Kennedy, Commissioner Ross and Commissioner Tudor opposed)

Commissioner Tudor motioned to schedule a Special Commission meeting on October 23, 2020 contingent to completion of background checking of Village Manager candidates. Optional date could be October 28, 2020. Vice-Mayor Kennedy seconded. **Motion passed 4 - 1** (Commissioner Samaria opposed)

Commissioner Ross motioned to extend the meeting to 11:15 pm. Mayor O'Halpin second. **Motion passed 5 - 0.**

**11.a** Policy on Interference with Police Chief Position - Village Attorney Memorandum by



Commissioner Ross / Commissioner Samaria

Commissioner Ross motioned to approve Village Attorney Memorandum and adopt.

Mayor O'Halpin seconded. **Motion passed 5 - 0.**

Vice-Mayor Kennedy motioned to extend the meeting to 11:30 pm. Commissioner Ross seconded. **Motion passed 5 - 0.**

**11.c** FAA - NextGen Action Plan - David Caserta update - by Vice-Mayor Kennedy



**12 New Business**

**13 Request for placement of items on next meeting agenda**

*Through general consensus a member of the Commission may request an item be placed on the next agenda for discussion (New Business) or as a Resolution/Ordinance.*

Vice-Mayor Kennedy motioned to request the Village Attorney to draft a Resolution to payoff the loan or another proper way to do it. Mayor O'Halpin seconded. **Motion passed 5 - 0.**

**14 Reports**

**14.a** Village Attorney

**14.b** Village Manager

**14.c** Board / Committee Reports

**14.d** Commission

- Mayor O'Halpin
- Vice Mayor Kennedy
- Commissioner Ross
- Commissioner Samaria
- Commissioner Tudor

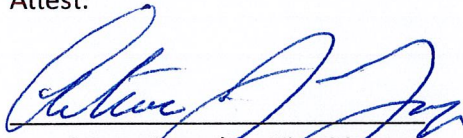
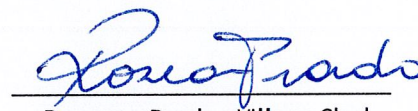
**16 Adjournment**

Vice-Mayor Kennedy motioned to adjourn. Mayor O'Halpin seconded.

Meeting adjourned at 11:34 pm

Commission approved on Regular Commission Meeting of December 1, 2020.

Attest:

  
Arturo Gonzalez, Vice-Mayor  
Roseann Prado, Village Clerk